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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

GEORGIA

1. The Committee considered the initial report of Georgia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.37) at its 3rd, 4th and 5th meetings, held on 26 and 27 April 2000, and adopted, at its 21st meeting, held on 9 May 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report by the State party, as well as its written replies to the list of issues, presented by a delegation that included high-level officials of various ministries. The Committee welcomes in particular the constructive dialogue with the delegation, its readiness to reply to additional questions and to furnish additional information whenever available, and the candour of its replies. The State party's report was submitted in general conformity with the guidelines established by the Committee.

B. Positive aspects

3. The Committee notes the intention of the State party to advance human rights and to comply with international human rights norms by ratifying most of the international human rights instruments, as well as various International Labour Conventions, after independence.

In addition, the Committee acknowledges the efforts made by the Government of Georgia with a view to implementing the rights set forth in the Covenant. The Committee takes note in particular of the statement by the delegation that the Government of Georgia intends to ratify the Social Security (Minimum Standards) Convention, 1952 (No. 102) and the Equality of Treatment (Social Security) Convention, 1962 (No. 118) of the International Labour Organization, which deal with the issues of social protection of workers.

4. The Committee notes with satisfaction that the Government of Georgia is willing to cooperate with various international organizations, such as the United National Development Programme, ILO, World Health Organization, the World Bank and the International Monetary Fund, as well as with regional organizations such as the Organization for Security and Cooperation in Europe, in order to realize the rights set forth in the Covenant, and in particular to address the problem of poverty.

5. The Committee also welcomes the fact that the State party has created governmental bodies which are concerned with the issue of human rights, such as the National Ombudsman and the Committee on Human Rights of the Parliament of Georgia.

C. Factors and difficulties impeding the implementation of the Covenant

6. The Committee is aware that the Government of Georgia is currently faced with the difficulties commonly encountered by countries in transition. The changes required to reform the social welfare and benefit, labour and employment, health and educational systems are considerable in economic, as well as political terms. In this respect, the Committee also recognizes the problems encountered by the State party in addressing the internal conflicts existing in certain regions of the country which have seriously hampered the State party's efforts to improve the situation of human rights for all its citizens.

D. Principal subjects of concern

7. The Committee is concerned about the grave problem of poverty with which the Government of Georgia is confronted. Despite the efforts made by the State party, the average minimum wage is still insufficient to ensure an adequate standard of living for large parts of the Georgian population.

8. In addition, the Committee is concerned about the inadequacy of certain measures being taken to combat poverty. With regard to activities aimed at poverty reduction, there seems to be a lack of effective management in the policy-making and implementation phases, particularly with regard to the reform of the pension and taxation systems. A lack of clearly established guidelines and indicators hinders the transition process.

9. Generally, the Committee notes that the statistical data provided by the State party are insufficiently reliable to allow a clear analysis and evaluation of the various problems it is addressing, such as the level of poverty in the country, and the determination of the actual minimum subsistence level and the real poverty line.

10. The Committee considered that the lack of statistics on budget transfers from central to local government for education and health makes it impossible to have a clear view of the progress or otherwise in these fields.

11. The Committee also notes with concern the fact that workers in various sectors of the Georgian economy have not been paid on time.

12. The Committee also expresses its concern about the fact that there are no legislative provisions ensuring disabled persons access to the labour market.

13. The Committee notes with concern that women suffer more than men from unemployment and that they are under-represented in the labour force, especially in public service, including Parliament.

14. In addition, the Committee is concerned that the National Plan of Action, which aims to eliminate the inequalities faced by women in the economic and social spheres, has not yet been implemented by the State party.

15. The Committee notes with concern that the laws addressing violence against women and sexual harassment in the workplace are inadequate and insufficient.

16. The Committee also notes with concern that the number of children begging in the streets is on the increase and that many of them are drawn by adults into various types of criminal activity.

17. The Committee regrets that, given that the data provided by the State party on the housing situation, including on the occurrence of forced evictions, were insufficient, it was impossible to form a clear and comprehensive picture of the matter. In addition, the Committee deplores the failure to find a satisfactory solution to the problems concerning internally displaced persons.

18. The Committee notes with concern that there is limited knowledge among the general public with regard to reproductive health issues in general, and in particular with regard to the availability and use of contraceptives.

19. With regard to education, the Committee notes with concern that in the new secondary school curriculum there appears to be an imbalance between the amount of time devoted to military training (3 units) and to "fundamentals of justice" (1 unit).

E. Suggestions and recommendations

20. The Committee notes the statement by the State party that poverty reduction is its principal priority. With regard to the policies adopted and the measures taken, the Committee suggests that the State party take into account the obligations ensuing from the Covenant, as well as the recommendations contained in the present concluding observations.

21. The Committee recommends that the State party continue to seek international technical assistance, as provided for in article 23 of the Covenant, in its efforts to improve the implementation of economic, social and cultural rights in the country.

22. In addition, the Committee recommends that the State party ensure that its international human rights obligations are taken fully into account when it enters into technical cooperation and other arrangements with international organizations. Also, the Committee urges the State party to take into account the different approaches taken by various international organizations, such as the human development approach of UNDP.

23. The Committee supports the suggestion in the UNDP Human Development Report Georgia 1999 that the poverty threshold level not be changed in accordance with proposals which the State party has received, as such a change would incorrectly reflect the poverty situation in the country. In this respect, the Committee urges the State party to take adequate measures to ensure that the minimum wage is sufficient to meet the basic needs of the wage earner and his or her family.

24. The Committee recommends that the State party take remedial action to ensure that workers in various sectors of the economy are paid on time.

25. The Committee also recommends that the State party undertake to adopt relevant legislation to ensure that disabled persons have greater access to the labour market.

26. Recognizing that the resources available to the State party are limited, the Committee suggests that measures be taken to concentrate their use on major priorities, such as measures to address the existing inequality between men and women in public service and the formulation of a National Plan of Action on Human Rights. In this respect, the Committee points out that international technical assistance may be requested with regard to such activities from the Office of the High Commissioner for Human Rights (OHCHR) and UNDP.

27. The Committee urges the State party to start implementing gradually the National Plan of Action with regard to women. In addition, the Committee strongly recommends that the State party take effective measures to combat violence against women, including by adopting appropriate legislation.

28. The State party is urged to treat with more concern the growing number of children begging on the street and to take the appropriate measures to solve the problem.

29. The Committee recommends that the State party take measures to create conditions that would allow internally displaced persons to return to their places of origin.

30. The Committee recommends that the State party take steps to improve the awareness and knowledge of the public about reproductive health issues. In this regard, the Government might seek the advice and assistance of international organizations such as WHO, UNAIDS and the United Nations Population Fund.

31. With regard to the secondary school curriculum, the Committee recommends that the State party strike an appropriate balance between the school time devoted to military training and the time devoted to civic education, including the "fundamentals of justice".

32. The Committee requests that the State party include in its second periodic report on the implementation of the Covenant all available information on any measures taken and progress made, particularly with regard to the suggestions and recommendations made by the Committee in the present concluding observations.

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COMMITTEE ON ECONOMIC, SOCIAL
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

ITALY

1. The Committee considered the third periodic report of Italy on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.19) at its 6th, 7th and 8th meetings, held on 27 and 28 April 2000, and adopted, at its 23rd meeting held on 11 May 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of the State party as well as its written replies to the list of issues that were presented by a high-level delegation comprised of officials of various ministries. However, it notes with regret the late submission of the report as well as the written replies to the list of questions. The Committee welcomes the constructive dialogue with the delegation.

B. Positive aspects

3. The Committee notes with appreciation the measures taken by the State party to combat organized crime. The Committee also welcomes the adoption of the immigration bill of 1998, granting one-year residence/work permits to women who have been the victims of trafficking and who denounce their exploiters, and the criminalization of trafficking of migrants under the Penal Code.

4. The Committee also notes with appreciation the approval of the Texto Unico 286/98, which gives foreigners "regularly present on the national territory" equal standing with Italian citizens regarding access to residential and public housing, and credit on favourable terms for building, acquiring or renting their first home.

5. The Committee notes with appreciation the approval of law No. 53 of 8 March 2000 which recognizes the right of the father, as well as the mother, to take leave from work to care for a child during early infancy.

6. With regard to the problem of domestic violence against women, the Committee welcomes the approval of law No. 66 of 1996, characterizing sexual violence as "a crime against the person" punishable by imprisonment.

C. Factors and difficulties impeding the implementation of the Covenant

7. The Committee notes the socio-economic problems arising from the increase in immigration to Italy caused by the tragic events in the Balkans and the influx of persons from other regions.

D. Principal subjects of concern

8. The Committee regrets that some of the written replies to the list of issues were insufficient, and that some oral statements made during the dialogue were too vague and general.

9. The Committee notes with concern the statement made by the State party in its written replies to the list of issues, confirmed by the delegation during its dialogue with the Committee, that only very few court rulings refer explicitly to the Covenant.

10. The Committee notes with concern that a large number of the Roma population live in camps lacking basic sanitary facilities on the outskirts of major Italian cities. The Roma on the whole live below the poverty line and are discriminated against, especially in the workplace, if and when they find work, and in the housing sector. Life in the camps has had a major negative impact on the Roma children, many of whom abandon primary and secondary schooling in order to look after their younger siblings or to go out begging in the streets in order to help increase their family income.

11. The Committee draws the attention of the State party to the concern expressed by the Committee of Experts on the Application of Conventions and Recommendations of the International Labour Organization (ILO) regarding the transfer to local health units of the functions of the labour inspectorate with regard to prevention and occupational safety and health. The Committee is concerned that such transfer may create a problem of coordination. The Committee also regrets that the delegation did not answer the question put to it on this matter.

12. The Committee is alarmed by the high rate of accidents in the workplace and draws the attention of the State party to the concern expressed by the ILO Committee of Experts which has repeatedly drawn the Government's attention to the need to adopt legal regulations and policies on the prevention of accidents in the workplace, and in particular in the ports.

13. The Committee regrets the insufficiency of the information provided by the State party concerning the social security system, especially considering that the Committee's previous concluding observations on Italy had signalled a lack of information on article 9 in the State party's second periodic report (E/1993/22, para. 188).

14. While commending the State party for its efforts to combat violence against women, the Committee remains concerned that the Government has not yet devised a comprehensive, coordinated and concerted strategy to address this serious problem.

15. While also commending the State party for the many initiatives taken to combat organized crime, the Committee remains concerned at the extent of trafficking of women and children, sexual abuse of minors and child pornography in Italy.

16. The Committee notes with concern that there are still substantial economic and social inequalities between the northern and southern parts of the country, which impact negatively on the situations of women, young people, children and disadvantaged and marginalized groups.

17. The Committee notes with regret that in Italy, asylum-seekers have access to subsidized health care only in emergency situations. The Committee points out that this policy is not in compliance with the provisions of the Covenant.

18. With respect to education, the Committee notes with concern the high rate of young people dropping out of secondary education. In addition, the Committee is concerned about the phenomenon of functional illiteracy. The Committee regrets not having had a clear answer to its question on this issue during the dialogue.

19. The Committee is concerned about the controversial proposal in the State party's school education reform programme to give private schools some public funding.

E. Suggestions and recommendations

20. The Committee encourages the Government of Italy, as a member of international organizations, in particular the International Monetary Fund and the World Bank, to do all it can to ensure that the policies and decisions of those organizations are in conformity with the obligations of States parties to the Covenant, in particular the obligations contained in article 2 (1) concerning international assistance and cooperation.

21. The Committee recommends that the State party organize briefings for judges to familiarize them with the provisions of the Covenant and the general comments adopted by the Committee.

22. The Committee recommends that the State party ratify the 1961 Convention on the Reduction of Statelessness.

23. The Committee recommends that the State party step up its efforts to improve the situation of the Roma population, inter alia by replacing camps with low-cost houses, by legalizing the status of Roma immigrants, by setting up employment and educational

programmes for parents; by giving support to Roma families with children at school; by providing better education for Roma children; and by strengthening and implementing anti-discrimination legislation, especially in the employment and housing sectors.

24. The Committee calls upon the State party to implement the recommendations made by the ILO Committee of Experts concerning the decentralization of labour inspection. The Committee would appreciate detailed information about the system of labour inspections in the next periodic report.

25. The Committee calls upon the State party to take effective measures to ensure that workers enjoy safe working conditions. In particular, the Committee recommends that the State party adopt measures, including legislation, on the prevention of accidents, particularly in the ports, and ratify the ILO Occupational Safety and Health (Dock Work) Convention, 1979 (No. 152). The Committee also recommends that the State party ratify the Prevention of Major Industrial Accidents Convention, 1993 (No. 174) and the Part-time Work Convention, 1994 (No. 175).

26. The Committee encourages the State party to ratify, as planned, the Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159). The Committee would appreciate information from the Ministry of Labour in the next periodic report on the number of cases dealt with by the courts under the legislation on disability.

27. The Committee recommends that the State party devise a national strategy to combat violence against women, the elements of which should include data collection, enactment of relevant legislation, training courses for and sensitizing of the police forces and the judiciary, establishment of refuges for battered women and public awareness-raising campaigns.

28. The Committee recommends that the State party devise a comprehensive, coordinated and concerted national strategy to combat trafficking in women and children, sexual abuse of minors and child pornography by organized crime.

29. The Committee recommends that the State party seriously address the persistent problem of economic and social disparities existing between the northern and southern parts of Italy, which have a negative effect on the situations of women, young persons, children and disadvantaged and marginalized groups.

30. The Committee recommends that the State party step up its efforts to assist those living under the poverty line, the majority of whom are women.

31. The Committee invites the State party to address, in its next periodic report, the issue of the cost of medication under the privatized system and the measures the State party is taking to combat the negative effects this may have on the health of vulnerable groups. The Committee would also like more information about the results of the latest completed National Health Plan, especially with regard to older persons and other vulnerable groups.

32. The Committee urges the State party to extend the subsidized health-care system to asylum-seekers without discrimination.

33. The Committee recommends that the State party draw up a national strategy and plan of action to address the significant problems relating to school drop-outs and youth unemployment.

34. The Committee would like to receive information on the extent of the phenomenon of functional illiteracy in Italy.

35. With regard to the public funding of private schools, the Committee reminds the State party that any such funding must be without discrimination on any of the prohibited grounds.

36. The Committee recommends that the State party distribute these concluding observations widely. The Committee invites the State party to inform the Committee about the implementation of these concluding observations in Italy's next periodic report.

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COMMITTEE ON ECONOMIC, SOCIAL
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

EGYPT

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Egypt on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.38) at its 12th, 13th and 14th meetings, held on 2 and 3 May 2000, and adopted, at its 26th meeting, held on 12 May 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Egypt, which has been prepared in conformity with the revised reporting guidelines established by the Committee. The Committee also welcomes the written replies to its list of issues, and expresses its appreciation for the constructive dialogue between the Committee members and the government delegation. The Committee regrets, however, that the replies by the delegation to a number of questions raised by Committee members were incomplete.

B. Positive aspects

3. The Committee acknowledges the general progress made by the State party in recent years in implementing economic, social and cultural rights. In particular, the Committee commends Egypt for the striking improvements in its educational system, as cited by the United Nations Children's Fund, and for its achievements towards eradicating illiteracy, for which Egypt has received an award from the United Nations Educational, Scientific and Cultural Organization

4. The Committee notes with appreciation the State party's recent efforts with regard to the protection of women's human rights, such as the adoption of a new divorce law improving the position of women.

5. The Committee welcomes the stand taken by the Constitutional Court of Egypt which invoked the provisions of the Covenant to acquit rail workers who had been prosecuted for going on strike in 1986 and declared that the Penal Code should be amended to allow the right to strike.

6. The Committee commends the State party for the efforts it has made with a view to ensuring effective implementation of the right to health, particularly by establishing, throughout the country, including in remote urban and rural settlements, a network of primary health care units and centres.

7. The Committee notes with satisfaction that the State party has undertaken new and effective measures to introduce environment- and health-friendly fuel, beginning with the public transportation systems in major cities where pollution is a grave threat to life and health.

8. The Committee also expresses its appreciation for the holding of the Arab Regional Seminar on Human Rights and Development in Cairo in June 1999, and notes that the Government has developed with the United Nations Development Programme, a pilot project for capacity-building in human rights which was launched in June 1999 and which focuses on the right to development.

9. The Committee also expresses appreciation for the support of the government delegation for the Committee's statement to the Third Ministerial Conference of the World Trade Organization, held in Seattle in November 1999, that international human rights obligations should be a matter of priority concern and therefore should be taken into account in trade negotiations.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee is of the view that the state of emergency that has been in place in Egypt since 1981 limits the scope of implementation of constitutional guarantees for economic, social and cultural rights; that some aspects of structural adjustment programmes and economic liberalization policies introduced by the Government of Egypt, in concert with international financial institutions, have impeded the implementation of the Covenant's provisions, particularly with regard to the most vulnerable groups of Egyptian society; and that the persistence of traditional practices and attitudes, deeply entrenched in Egyptian society, with regard to women and children hamper the ability of the Government to protect and promote their economic, social and cultural rights.

11. The discrepancies between available resources and the actual needs of the people are becoming increasingly marked given the climatic and geographical conditions in the country and the rapid increase in the population. These factors impede the full enjoyment of economic, social and cultural rights in the country.

C. Principal subjects of concern

12. The Committee regrets the lack of clarity concerning the legal status of the Covenant in the Egyptian domestic legal order.

13. The Committee expresses its grave concern about the considerable divergence in Egypt between the constitutional provisions on the one hand and the national legislation and practice on the other, with respect to the societal status of women in general, women's participation in political life, the provisions in criminal law with respect to adultery, and female genital mutilation (FGM). Moreover, the Committee is concerned about the divergence between law and practice with regard to the occurrence of child labour.

14. The Committee regrets that the State party does not take its obligations under the Covenant into account in its negotiations with international financial institutions.

15. The Committee regrets the lack of information and reliable statistics which has hampered its full assessment of the situation in Egypt with regard to, inter alia, poverty, unemployment and FGM. The Committee is particularly concerned about the absence of an officially established poverty line.

16. The Committee notes with concern that although the State party has undertaken initial steps against the practice of FGM in Egypt by criminalizing FGM outside of hospitals by persons without a medical qualification, this measure does not make the practice of FGM by medical practitioners a criminal offence. The Committee further notes with concern that the percentage of women who are victims of FGM remains alarmingly high. WHO statistics for 1995 showed an estimated 97 per cent prevalence of FGM ("Female Genital Mutilation: An Overview", WHO, Geneva, 1998, p. 13).

17. Although the Committee welcomes the efforts by the State party in promoting equality of men and women through a new divorce law, it notes with concern that the new law contains provisions that may disadvantage women. In addition, the Committee notes with concern that the Nationality Law does not grant equal citizenship status to children of Egyptian women married to non-nationals.

18. The Committee is disturbed about the apparent inability of the Government to address the acute problem of unemployment in Egypt as well as the uncertainty of workers' rights as guaranteed under article 8 of the Covenant. In particular, the Committee notes with concern that in spite of the State Security Court's conclusion that the Penal Code should be amended to allow the right to strike, article 124 of the Penal Code continues to characterize strikes as criminal offences. In this regard, the Committee further expresses its concern about the new proposed labour law that reportedly contains provisions infringing upon the rights of workers, such as barring labour committees from negotiating collectively on behalf of workers and denying workers the right to strike without the approval of two thirds of a trade union's membership.

19. The Committee is deeply concerned that law 153 of 1999 (Law on Civil Associations and Institutions, popularly called the "NGO Law") does not conform to article 8 of the Covenant and contradicts article 55 of the 1971 Egyptian Constitution affirming the right of citizens to form associations, and gives the Government control over the right of NGOs to manage their own activities, including seeking external funding.

20. The Committee notes with concern that the problem of domestic violence against women is not being sufficiently addressed and that marital rape is not criminalized.

21. The Committee is deeply concerned over reports that children under 12 years of age work more than six hours daily in the agricultural sector, which deprives them of their right to education. In addition, reports also claim that children between 8 and 15 years of age work in cotton gins in the Nile Delta under unfavourable conditions without lunch or rest breaks, and have no protection under Egyptian law particularly with regard to work-related injuries and diseases.

22. The Committee is concerned about the massive housing problems faced by the Egyptian population, as acknowledged by the delegation of Egypt, and which have been exacerbated by the deregulation of rents and an acute shortage of low-cost housing. Furthermore, forced evictions without alternative housing or compensation being provided have been occurring in poor communities like the potters' village and the "Ayn Hilwan" area in Cairo. The Committee is particularly concerned that in Cairo people who cannot afford housing are living in cemeteries. Unofficial statistics estimate their numbers to be 500,000 - 1 million.

23. The Committee regrets the insufficiency of information with regard to the situation of persons with mental illnesses and disabilities and the relevant legal regime, including safeguards against abuse and neglect.

24. The Committee notes with concern that despite the achievements of Egypt in the field of education, inequality of access to education between boys and girls, high drop-out rates for boys and high illiteracy rates among adults, particularly women, persist.

25. The Committee is gravely concerned over the official censorship imposed on the media, as well as literary and artistic works.

E. Suggestions and recommendations

26. The Committee urges the State party to firmly establish the legal status of the Covenant in Egyptian legal order, and to ensure that the provisions of the Covenant can be invoked before the courts.

27. The Committee strongly urges the State party, notwithstanding the declaration made upon ratification of the Covenant, to undertake a comprehensive review of its legislation as soon as possible, with a view to amending laws that contradict the provisions of its own Constitution and of the Covenant.

28. The Committee strongly recommends that Egypt's obligations under the Covenant should be taken into account in all aspects of its negotiations with international financial institutions, like the International Monetary Fund, World Bank and the World Trade Organization, to ensure that economic, social and cultural rights, particularly of the most vulnerable groups, are not undermined.

29. The Committee strongly recommends that an up-to-date national plan of action for human rights in accordance with the 1993 Vienna Declaration and Programme of Action, be developed in Egypt, and requests the State party to include a copy of the plan in its second periodic report to the Committee.

30. The Committee urges the State party to establish a national human right institution which is in full conformity with Paris Principles of 1991.

31. The Committee strongly urges the State party to seek assistance, including international cooperation, in order to collect the statistics and information necessary to formulate effective strategies to address problem areas such as unemployment, poverty, housing and forced evictions.

32. The Committee strongly urges the State party to address the problem of FGM as a matter of high priority with a view to moving actively towards the total eradication of this practice in the country. The Government is encouraged to seek technical assistance from WHO in this regard.

33. The Committee recommends that the Government undertake to review the provisions of the new divorce law with a view to removing all provisions that discriminate against women and place them at a disadvantage. The Committee also recommends that the Nationality Law, which discriminates against children born to Egyptian women married to non-nationals, be revised.

34. The Committee calls upon the State party, in accordance with its obligations under article 8 of the Covenant and the Constitution of Egypt, which affirms the right of citizens to form their own organizations, to amend or repeal law 153.

35. The State party must enhance its strategies and programmes aimed at combating domestic violence. In this regard, the Committee urges the State party to criminalize marital rape and also to combat this problem through information campaigns and educational programmes.

36. The Committee urges the State party to take steps towards establishing stronger labour laws in order to protect children from abusive working conditions and to undertake immediate measures towards the eradication of illegal child labour.

37. The Committee urges the State party to combat the acute housing shortage by adopting a strategy and a plan of action and by building or providing, low-cost rental housing units, especially for the vulnerable and low income groups. In this connection, the Committee

reminds the State party of its obligations under article 11 of the Covenant and refers to its General Comments No. 4 on the right to adequate housing and No. 7 on forced evictions, to guide the Government's housing policies.

38. The Committee urges the State party to ensure that its laws, policies and practices in relation to HIV/AIDS are non-discriminatory and in full conformity with the International Guidelines adopted at the Second International Consultation on HIV/AIDS and Human Rights in 1996.

39. The Committee requests the State party to provide more information in its second periodic report about the mentally ill, including how many are hospitalized, the facilities available to them, and the legal safeguards for the protection against abuse and neglect of patients.

40. The Committee urges the State party to undertake measures to address the economic, social and cultural factors that are the root causes of the problem of inequality of access to education, high drop-out rates for boys and high illiteracy rates among adults, in particular women. The Committee requests particular attention to be devoted to these concerns in the next report.

41. The Committee calls upon the Government of Egypt to respect the freedom indispensable for creative activity, including in the media, as provided for under article 15 (3) of the Covenant.

42. The Committee requests the State party to provide updated information, including statistics, on unemployment, the situation of women, including FGM, poverty, housing and homeless persons in its second periodic report, which is to be submitted by 30 June 2003.

43. The Committee requests that the State party distribute these concluding observations as widely as possible among its citizens.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

REPUBLIC OF THE CONGO

1. The Committee considered the state of implementation by the Republic of the Congo of the economic, social and cultural rights contained in the International Covenant on Economic, Social and Cultural Rights at its 16th and 17th meetings, held on 5 May 2000 (twenty-second session), and adopted, at its 22nd meeting, held on 10 May 2000, the following concluding observations.

A. Introduction

2. At its seventh session, the Committee on Economic, Social and Cultural Rights decided to proceed to a consideration of the state of implementation of the International Covenant on Economic, Social and Cultural Rights in a number of States parties which, despite many requests to do so, had not fulfilled their reporting obligations under articles 16 and 17 of the Covenant.

3. Under the reporting system established by the Covenant States parties report to the competent monitoring body, i.e. the Committee on Economic, Social and Cultural Rights, and through it to the Economic and Social Council, on the measures which have been adopted, the progress made, and the difficulties encountered in complying with the rights recognized in the Covenant. Non-compliance by a State party with its reporting obligations, in addition to constituting a breach of the Covenant, creates a serious obstacle to the fulfilment of the Committee's functions. Nevertheless, the Committee still has to perform its supervisory role, and it must do so on the basis of all reliable information available to it.

4. Hence, in situations where a Government has not supplied the Committee with any information on its compliance with its obligations under the Covenant, the Committee has to base its observations on a variety of materials from both intergovernmental and non-governmental sources. While the former provide mainly statistical information and important economic and social indicators, the information gathered from the relevant academic literature, from non-governmental organizations and from the press tends, by its very nature, to be more critical of the political, economic and social conditions in the countries concerned. Under normal circumstances, the constructive dialogue between a reporting State party and the Committee will provide an opportunity for the Government to present its own views and to seek to refute any criticism, and to demonstrate to the Committee that its policy conform to the requirements of the Covenant.

5. While fully understanding the difficulties the Republic of the Congo is presently encountering in its efforts to comply with its reporting obligations under the Covenant, the Committee recalls that the Republic of the Congo has been a party to the Covenant since 5 January 1984 and has not yet submitted its initial report.

6. The Committee expresses its appreciation for the presence of a high-level delegation on 5 May 2000, which engaged in a constructive dialogue with the Committee during two meetings. The Committee also appreciates the openness and candor with which the delegation replied to questions from the Committee members, and its willingness to provide information to the best of its ability. Nevertheless, the Committee wishes to emphasize that the presence of the delegation and its dialogue with the Committee, in the absence of a written report, cannot be considered as compliance with the State party's obligation to submit a written report under articles 16 and 17 of the Covenant.

7. Bearing in mind the difficult general situation in the Republic of the Congo, the Committee deems it necessary to confine its concluding observations to an assessment of its dialogue with the delegation with respect to the current status of economic, social and cultural rights in the country. The Committee further considers that, in view of the failure of the State party to submit a written report, as well as the need for technical assistance to be offered to the State party to enable it to comply with its reporting obligations, the Committee's concluding observations can only be of a very preliminary nature.

B. Factors and difficulties impeding the implementation of the Covenant

8. The Committee takes note of the violent political unrest that has plagued the Republic of the Congo intermittently since its independence. The consequences of this political unrest have been disastrous for the situation in the country in general, and on the enjoyment of economic, social, cultural, civil and political human rights in particular.

9. The Committee also takes into account the massive population displacements caused by the violence during the 1997-1999 civil war, which seriously disrupted the functioning of the State public services, economic activity and social stability. The damage inflicted by the civil war has been tentatively estimated at approximately 55 per cent of the gross domestic product projected for 2000.

10. The Committee is also aware of the negative impacts of the fluctuation in oil revenues and of the State-led development policies on the present financial situation of the Republic of the Congo.

11. The Committee is particularly concerned that the external debt was estimated to be over US$ 5 billion at the end of 1998 which, for a population of 2.9 million people, amounted to a per capita debt of almost US$ 1,700.

C. Positive aspects

12. The Committee notes with satisfaction that two agreements to cease hostilities were signed between the Government and the various militia groups in November and December 1999, and expresses the hope that the process of national reconciliation that has been initiated will bring about political and social stability and will allow economic, social and cultural rights to be respected to a greater degree.

13. The Committee commends the State party for its ratification in November 1999 of a considerable number of basic International Labour Conventions: the Labour Inspection Convention, 1947 (No. 81), the Right to Organize and Collective Bargaining Convention, 1949 (No. 98), the Equal Remuneration Convention, 1951 (No. 100), the Abolition of Forced Labour Convention (No. 105), Discrimination (Employment and Occupation) Convention, 1957 (No. 111), the Minimum Age Convention, 1973 (No. 138) and the Occupational Safety and Health Convention, 1981 (No. 155).

14. The Committee expresses its satisfaction at the return to their places of origin of a large number of internally displaced persons and hopes that this process will continue in a peaceful manner.

15. The Committee notes with appreciation that at the request of the Government, specialized agencies such as the Food and Agriculture Organization of the United Nations (FAO), the International Labour Organization (ILO), the World Health Organization (WHO), the World

Bank and the International Monetary Fund (IMF), as well as the Office of the High Commissioner for Human Rights (OHCHR) and the United Nations Development Programme (UNDP), are assisting the Republic of the Congo in addressing its innumerable problems, as follows

(a) In 1998, the IMF decided to provide the Congo with a special post-conflict recovery credit of US$ 10 million, the IMF also indicated that health, education and social spending were at the top of the expenditure priority list,

(b) WHO has undertaken a number of humanitarian activities relating, inter alia, to the following emergency epidemiological surveillance in the 21 areas with internally displaced persons in Brazzaville, technical support for water and sanitation and for the provision of essential medicines, and technical support for and provision of safe blood supplies,

(c) FAO is presently carrying out four operational projects in the Congo, of which three are technical cooperation programmes funded by FAO, relating to the provision of urgent agricultural inputs, rehabilitation of agricultural statistical systems and supporting legislation on the fauna The fourth project is concerned with the provision of urgent agricultural inputs and support for coordination, funded by the Government of Sweden

D Principal subjects of concern

16 The Committee expresses its deep concern regarding the abrogation of the Constitution in October 1997 by the Government of President Denis Sassou-Ngueso, resulting in a legal vacuum which has been detrimental to the enjoyment of economic, social and cultural rights by the citizens of the Republic of the Congo The "Fundamental Act", which was adopted to replace the Constitution, cannot guarantee the enjoyment of these rights

17 The Committee is equally concerned about discrimination against women Marriage and family laws overtly discriminate against women (for instance, adultery is illegal for women but, in certain circumstances, not for men, while the Legal Code provides that 30 per cent of the deceased husband's estate goes to the wife, in practice the wife often loses all rights of inheritance) Domestic violence, including rape and beatings, is widespread but rarely reported, and there are no legal provisions for punishing the offenders Furthermore, despite the provision in Congolese legislation that endorses the principle of equal pay for equal work, women in the formal sector are under-represented and encounter discriminatory promotion patterns Women in rural areas are especially disadvantaged in terms of education and employment conditions, including wages

18 With regard to ethnic minorities, the Committee has discerned a similar pattern The Pygmies do not enjoy equal treatment in the predominantly Bantu society Pygmies are severely marginalized in the areas of employment, health and education, and are usually considered socially inferior

19 The Committee is gravely concerned about a number of labour-related issues in the Congo As a result of the abrogation of the Constitution, many constitutional provisions concerning the right to work and to just and favourable conditions of work are not in effect, such

as provisions prohibiting forced and bonded labour by children under the age of 16 and those providing for reasonable pay, paid holidays, periodic paid vacation and legal limits on allowable hours of work.

20. The Committee is also concerned about the negative effects on the food supply of the violence, population displacements and disruption of production and marketing activities, as noted by FAO. Import requirements for the year 2000 in respect of wheat, rice and coarse grains are expected to be approximately 140,000 tonnes, accounting for 97 per cent of total consumption. The United Nations Development Programme, Human Development Report, 1999 indicates that the daily per capita intake of food in the Congo is 2,107 calories, which is just below the level for countries categorized as having a low human development ratio (2,145 calories). The proportion of the undernourished among the population has increased from 29 per cent in the period 1979-1981 to 34 per cent in 1995-1997.

21. The Committee expresses its grave concern regarding the decline of the standard of health in the Congo. The AIDS epidemic is taking a heavy toll on the country, while the ongoing financial crisis has resulted in a serious shortage of funds for public health services, and for improving the water and sanitation infrastructure in urban areas. The war has caused serious damage to health facilities in Brazzaville. According to a joint study by WHO and UNAIDS, some 100,000 Congolese, including over 5,000 children, were affected by HIV at the beginning of 1997. More than 80,000 people are thought to have died from AIDS, with 11,000 deaths reported in 1997 alone. Some 45,000 children are said to have lost either their mother or both parents as a result of the epidemic.

22. In addition, the Committee is concerned that as a result of the violence and the ensuing massive displacements, epidemics of diseases such as cholera and diarrhoea have occurred. Furthermore, owing to the disruption to the infrastructure of the country, including transportation and communications, humanitarian aid organizations have limited access to displaced groups outside Brazzaville.

23. The Committee is profoundly dissatisfied with the education system in the Congo. Although the Congo used to have quite a developed education system, that has seriously deteriorated as a result of economic mismanagement, the shortage of resources and political unrest. According to the delegation, there are fewer children enrolling in school, a shortage of teachers and teaching materials, and the school buildings are in a deplorable state.

E. Suggestions and recommendations

24. The Committee draws the State party's attention to the fact that the Covenant creates a legal obligation for all States parties to submit their initial and periodic reports and that the Republic of the Congo has been in breach of this obligation for many years.

25. The Committee urges the State party to adopt a Constitution, in order to ensure that the people of the Republic, and particularly the most vulnerable and marginalized groups of society, enjoy their economic, social and cultural rights. It should also take appropriate measures, to guarantee, inter alia, the prohibition of discrimination, the elimination of forced or bonded labour, particularly of children under 16 years of age, and conditions for the enjoyment of the

right to work, such as equal pay for equal work for men and women. The Committee would like to point out that these issues should be brought to the attention of ILO, with which the Government of the Congo is presently negotiating concerning follow-up measures to recently ratified ILO Conventions and possible technical cooperation programmes.

26. The Committee urges the State party to address the inequalities affecting women in society with a view to eliminating them, inter alia by adopting and enforcing appropriate legislative and administrative measures.

27. The Committee also urges the State party to adopt measures in order to fully integrate Pygmies into Congolese society, so that they may fully enjoy their economic, social and cultural rights.

28. The Committee strongly urges the State party to pay immediate attention to and take action with respect to the grave health situation in its territory, with a view to restoring the basic health services, in both urban and rural areas, and to preventing and combating HIV/AIDS and other communicable diseases such as cholera and diarrhoea. The Committee also encourages the Government to work closely with WHO and UNAIDS in its efforts to cope with these problems.

29. The Committee urges the State party to pay due attention to the rehabilitation of the educational infrastructure by allocating the necessary funds for teachers' salaries, teaching materials and school building repairs. It also recommends that the State party withdraw its reservation to article 13, paragraphs 3 and 4, of the Covenant.

30. In accordance with articles 2 (1) and 23 of the Covenant, the specialized agencies are invited to provide the Committee with supplementary information and comments relating to the status and enjoyment of economic, social and cultural rights in the Republic of the Congo.

31. The Committee encourages the State party to consult with UNDP and other appropriate agencies and programmes about the availability of advisory services and technical cooperation in relation to the formulation and implementation of a coherent and comprehensive plan of action for the promotion and protection of human rights. Such a plan should include effective mechanisms for monitoring and evaluating its realization.

32. The Committee supports the request by the Government addressed to FAO for a Special Programme for Food Security (SPFS) to facilitate access to food through small-scale low-cost agricultural projects. The Committee notes that a new project formulation mission is planned for the near future to support the national team in the initial preparations for such a programme. The Republic of the Congo can also take advantage of the FAO South-South Cooperation Initiative, which involves the exchange of knowledge, expertise and experience between developing countries.

33. The Committee recommends that the Government of the Republic of the Congo avail itself of the advisory services of the Office of the High Commissioner for Human Rights so that it may submit, as soon as possible, a comprehensive report on the implementation of the Covenant in conformity with the Committee's revised guidelines and with particular emphasis on the issues raised and concerns expressed in the present provisional concluding observations.

34. The Committee looks forward to the submission of the initial report by the Republic of the Congo and hopes that the constructive dialogue with the Committee, as well as the information provided by the various specialized agencies and programmes, will be of use to the Government in complying with its obligations as a State party to the Covenant.

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COMMITTEE ON ECONOMIC, SOCIAL
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Jordan

1. The Committee considered the second periodic report of Jordan on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/6/Add.17) at its 30th, 31st, 32nd and 33rd meetings, held on 15 and 16 August 2000, and adopted, at its 51st meeting, held on 29 August 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the report of the State party, as well as its written replies to the list of issues (E/C.12/Q/JOR/1). While appreciating the delegation's efforts to address the questions posed, the Committee nevertheless regrets that some of the questions were not answered satisfactorily.

B. Positive aspects

3. The Committee notes with satisfaction the sustained efforts by the State party, aimed at improving economic performance and modernizing the political and social structure in Jordan, taking into account its obligations under the Covenant.

4. As a demonstration of Jordan's commitment to furthering the human rights of its people, the Committee welcomes the State party's ratification of major international human rights treaties and notes the various initiatives pursued by the State party in the area of human rights, including the development of a national human rights plan of action.

5. The Committee notes with satisfaction that the State party hosts a relatively large number of refugees, and has a good record of respect for and compliance with its international commitments in this regard.

6. The Committee welcomes the decree of March 2000 on the establishment of the National Committee for Human Rights.

7. The Committee welcomes the significant achievements of the State party in the area of health, despite its economic problems. In particular, the Committee notes its progress in achieving many of the goals laid down in the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s.

8. The Committee further welcomes the State party's commitment towards improving access to education, especially for girls.

C. Factors and difficulties impeding the implementation of the Covenant

9. The Committee takes note of the relatively large number of refugees living since 1948 within the borders of the State party and of the effect of persistent conflicts in the region on its capacity to promote the country's economic and cultural development.

10. The Committee notes the effect of the scarcity of water in Jordan on its capacity to fulfil its obligations under the Covenant.

D. Principal subjects of concern

11. Although the Covenant is purported to have the force of law and to take precedence over all legislation except the Constitution, the Committee observes that 25 years have passed since ratification and the Covenant has not yet been published in the Official Gazette.

12. The Committee is concerned that the State party has given little attention to incorporation of relevant provisions of the Covenant in its legislation.

13. While noting the detailed information provided in the report on the constitutional and legislative provisions relating to the implementation of the Covenant, the Committee regrets the insufficiency of information in the report on the effectiveness of these measures. Furthermore, the absence of any information on complaints concerning violations of these rights, as well as the lack of lawsuits in this regard, may indicate the low awareness of the Covenant among judges, lawyers and the public at large.

14. The Committee is concerned about traditional and stereotypical attitudes towards the roles and responsibilities of women and men in Jordanian society.

15. The Committee is concerned about discriminatory treatment under the civil law, such as restrictions on the right of Jordanian women married to foreign men to pass on their nationality to their children.

16. Despite the establishment of the Family Protection Unit and other efforts to address domestic violence, the Committee remains concerned that violence against women remains a serious problem in Jordan. In particular, the Committee notes with concern that marital rape is not criminalized.

17. The Committee expresses its concern at the fact that crimes against women perpetrated in the name of honour go unpunished.

18. The Committee notes with concern the persistence of relatively high levels of unemployment and poverty in the country.

19. The Committee is concerned that non-Jordanian workers are exempted from minimum wage provisions, are denied participation in trade union activities and are excluded from the social security system.

20. The Committee is concerned that the 1996 Labour Code does not provide any protection for persons working in family-owned and agricultural enterprises, and domestic labour. It is precisely with respect to work in these areas that protection is most needed because it often involves hazardous working conditions, and largely female and child workers.

21. The Committee expresses its concern at the extent of the restrictions imposed on the right of public-sector employees, notably those working in the health and educational services, to participate in trade union activities. Furthermore, the Committee is concerned that article 100 of the Labour Code pre-empts the right of workers to strike.

22. The Committee expresses its concern regarding incidents of forced eviction particularly in the principal urban areas of the country.

E. Suggestions and recommendations

23. The Committee recommends that the State party expedite the publication of the Covenant in the Official Gazette and take the necessary action to make it enforceable in the courts, including the courts of first instance.

24. The Committee recommends that the State party monitor and evaluate the implementation of relevant legislation relating to human rights. In its subsequent reports the State party is requested to include information on: mechanisms for the receipt of complaints, and for conducting investigations and prosecutions; and statistics on subsequent decisions and their execution.

25. In the light of the 1993 Vienna Declaration and Programme of Action (para. 71), the Committee recommends that the State party pursue the preparation and development of a comprehensive national plan of action to implement its obligations under its international human

rights obligations, including the Covenant, through an open and consultative process. The Committee requests the State party to include a copy of the national human rights plan of action and information on its implementation in its third periodic report.

26. The Committee emphasizes the importance of setting up an institution in accordance with the Paris Principles relating to the status of national institutions for the promotion and protection of human rights (General Assembly resolution 48/134, annex). The Committee requests the State party to provide information on progress made in this regard in its next periodic report.

27. While recognizing the difficult economic conditions prevailing in Jordan, the Committee emphasizes that the implementation of economic, social and cultural rights requires consideration of a range of issues, including the equitable distribution of existing resources. The Committee emphasizes that the State party is responsible for ensuring that resources reach the most vulnerable groups and recommends that it ensure adequate resource distribution at the national and local levels.

28. Moreover, the Committee strongly recommends that obligations under the Covenant should be taken into account in all aspects of the State party's negotiations with international financial institutions, to ensure that economic, social and cultural rights, particularly of the most vulnerable groups, are not undermined.

29. The Committee recommends that the State party incorporate in its legal order the prohibited grounds of discrimination in accordance with article 2.2 of the Covenant, in particular, race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

30. The Committee recommends that the State party take all effective legal measures to prohibit discrimination on grounds of sex in all fields of civil, political, economic, social and cultural life. The Committee recommends that the State party take all appropriate measures, such as comprehensive public education campaigns, to prevent and combat discriminatory treatment and negative societal attitudes in this regard, particularly within the family. The Committee recommends that the State party include in subsequent reports comparative data on levels of employment, including representation of women at the various administrative levels and in areas such as law enforcement, the legal profession and the judiciary, showing developments during the reporting period.

31. The Committee recommends that the State party criminalize marital rape and provide appropriate penalties for perpetrators. Moreover, adequate procedures and mechanisms need to be established to receive complaints and monitor, investigate and prosecute instances of abuse. Attention should be given to addressing and overcoming socio-cultural barriers that inhibit victims from seeking assistance. Programmes for the rehabilitation and reintegration of victims need to be strengthened.

32. The Committee recommends that the State party ensure that the Family Protection Unit is adequately resourced, its capacity strengthened and its services expanded to cover all regions of the country. The Committee recommends the training of law enforcement officials, care workers, judges and health professionals in the identification, reporting and management of

cases of abuse. The Committee recommends that the State party continue to support and cooperate with civil society initiatives, including hotlines, shelters and counselling services.

33. The Committee recommends that the State party continue its efforts to secure the repeal of article 340 of the Penal Code.

34. The Committee recommends that the Labour Code be amended to ensure that workers in family-owned enterprises, agricultural activities and domestic labour are effectively protected, and that inspections extend to these areas.

35. The Committee emphasizes that the right of trade unions to function freely shall be subject to no restrictions "other than those prescribed by law and which are necessary in a democratic society in the interests of national security or public order or for the protection of the rights and freedoms of others". The Committee recommends that the State party ensure that restrictions contained in the Labour Code are fully in line with article 8 of the Covenant.

36. To enable the State party to monitor its compliance with article 11 of the Covenant, concerning the right to food, the Committee recommends that it systematically collect data on malnutrition, especially child malnutrition. The State party is requested to provide information in this regard in its third periodic report.

37. In accordance with article 11 of the Covenant, the Committee encourages the State party to prevent any occurrence of forced eviction. The Committee recommends that resettlement procedures and programmes include registration, facilitate comprehensive family rehabilitation and ensure access to basic services. The Committee recommends that the State party take due regard of the Committee's General Comments 7 and 4, concerning forced evictions and the right to housing.

38. The Committee recommends that the State party develop an ongoing programme for the dissemination of information regarding the implementation of the Covenant among the public, civil society and all sectors and levels of administration. Moreover, the Committee recommends that the State party strengthen its efforts and develop systematic and ongoing training programmes on the provisions of the Covenant for professional groups, including parliamentarians, judges, lawyers and local government officials.

39. Finally, the Committee requests the State party to ensure the wide dissemination in Jordan of its present concluding observations and to inform the Committee of steps taken to implement these recommendations in its third periodic report, to be submitted on 30 June 2003.

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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Mongolia

1. The Committee on Economic, Social and Cultural Rights considered the third periodic report of Mongolia on the implementation of the Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.21) at its 34th, 35th and 36th meetings, held on 17 and 18 August 2000, and adopted, at its 49th meeting held on 28 August 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of Mongolia, which has been prepared in conformity with the revised reporting guidelines established by the Committee. The Committee deeply regrets the absence of the State party delegation. This absence is particularly unfortunate because the State party had submitted information for the consideration of the Committee. A constructive dialogue with the delegation would have enabled the Committee to understand more deeply the social and economic processes under way in the country.

B. Positive aspects

3. The Committee notes with appreciation the move towards democracy in Mongolia and the recently held free and fair elections reflecting the will of the population.

4. The Committee commends the State party for the formulation of the National Plan of Action for Human Rights and notes that the State party is taking steps towards establishing a national human rights institution. The Committee also welcomes its collaboration with the Office of the United Nations High Commissioner for Human Rights, which has resulted in a number of valuable projects and activities advancing the promotion and protection of human rights in Mongolia.

5. The Committee notes with appreciation the State party's efforts to continue to enact legislation forming the basis for the implementation of human rights standards. In particular, the Committee commends the inclusion in the Constitution of an anti-discrimination clause which prohibits, inter alia, discrimination based on age.

6. The Committee welcomes the information provided by the State party with regard to the adoption and implementation of national strategies and policies to address the plight of various vulnerable groups, particularly women and children.

7. The Committee notes with appreciation that the State party is developing international cooperation with a view to resolving the social and economic problems of its population. The Committee notes in particular the "Poverty Partnership Agreement" signed by the State party with the Asian Development Bank. This agreement allows Mongolia to draw US$ 40 million per year for poverty reduction, the achievement of full primary education and the reduction of infant mortality rates by 50 per cent by 2005.

8. The Committee welcomes the efforts undertaken by the State party in relation to various educational initiatives, including the non-formal distance education project for women in the Gobi region.

C. Factors and difficulties impeding the implementation of the Covenant

9. The Committee is aware that the State party is currently experiencing great difficulties in the process of transition to a market economy. These difficulties are due, inter alia, to the sudden interruption of economic links with the former Soviet Union, and the discontinuance of various types of assistance previously received, which accounted for almost 30 per cent of GDP in 1990. This influenced the closure or downsizing of State enterprises and gave rise to great increases in unemployment and to a serious lowering of standards of living. The concurrent deterioration in the State party's terms of trade in international markets and the Asian economic crisis further aggravated Mongolia's economic situation. The Committee acknowledges that problems related to these matters seriously hamper the State party's ability to comply with its obligations under the Covenant.

10. The Committee also acknowledges that the existing divergence between available resources and the needs of the people is further exacerbated by the recent extreme climatic conditions prevailing in Mongolia, which also constitute a serious impediment to the enjoyment of economic, social and cultural rights in the country.

D. Principal subjects of concern

11. The Committee expresses its concern about the negative consequences of the transition process on a large part of the Mongolian population. According to World Bank figures from 1998, 35 per cent of the population lives below the weighted national average poverty line and 18 per cent of the population is destitute. The Committee is also deeply concerned about the information submitted by the State party that the social safety nets put in place to minimize the impact of the transition have had only a limited effect in curbing the extent and depth of poverty.

12. The Committee is deeply concerned about the adverse effects of the prevailing traditional values and practices and of poverty on women. The Committee deplores the lack of facilities and the inefficiency of remedies for victims of domestic violence, which is estimated to affect a third of the country's women. The Committee is also concerned about discrimination against pregnant women and sexual harassment of women in the workplace. Furthermore, the Committee expresses concern at the absence of women at senior levels, both at work and in public office.

13. The Committee is deeply disturbed that the State party has not been able to mitigate the adverse effects of poverty on children, who represent 42 per cent of the Mongolian population. In particular, the Committee is concerned about the extent of the phenomenon of street children, whose numbers are currently estimated at 30,000, 60 per cent of whom live in Ulaanbaatar in deplorable conditions with inadequate nutrition and susceptible to disease, violence, sexual and economic exploitation, substance abuse and mental trauma.

14. The Committee regrets to learn, from information submitted by the State party and reinforced by information from the Food and Agriculture Organization of the United Nations (FAO), about growing food insecurity among vulnerable groups such as children, the unemployed, older persons, female-headed households, pensioners and small herders. The Committee notes that this grave situation is compounded by last year's drought and this year's harsh winter, which has killed more than 2 million head of livestock.

15. The Committee is disturbed to learn about the deteriorating health situation for Mongolians since 1990 and regrets that government expenditure on health has decreased in recent years (according to the government submission, public expenditure on health fell from 5.8 per cent of GDP in 1991 to 3.6 per cent in 1998). The challenges faced by the State party include improving access to health-care services in rural areas and for the poor, the relatively low life expectancy, the increase in non-communicable and degenerative diseases, as well as sexually transmitted diseases, substance abuse, child suicide, high maternal mortality, especially in rural areas, and limited access to contraceptives. The Committee is concerned that there is no policy response to address increasing substance abuse and child and adolescent suicide.

16. The Committee notes with concern the degrading conditions for detainees, who have been reported to suffer from overcrowding, inadequate medical care and hygiene and from malnourishment.

17. The Committee regrets to learn about the decrease in government spending on education since 1990 and the subsequent deterioration in the quality of education. The Committee is particularly concerned about the high incidence of school drop-out, most common among herder families where children have to work.

E. Suggestions and recommendations

18. The Committee recommends that the State party provide information, in its fourth periodic report, on the exact status of the Covenant in the Mongolian national legal system.

19. The Committee encourages the State party to establish, as soon as possible, a national human rights institution which conforms to the Paris Principles (1991).

20. The Committee recommends that the State party, in its fourth periodic report, include a copy of its up-to-date human rights national plan of action for human rights, prepared in accordance with the Vienna Declaration and Plan of Action (1993), and report on its implementation.

21. The Committee recommends that the State party continue to seek international cooperation and assistance, as provided for in articles 2.1 and 23 of the Covenant, to enhance its efforts to improve the implementation of economic, social and cultural rights in Mongolia. The Committee would appreciate information, in the fourth periodic report of Mongolia, on the status of the "Poverty Partnership Agreement" signed with the Asian Development Bank.

22. With regard to poverty, the Committee notes the National Human Development Plan (NHDP) and the National Poverty Alleviation Programme (NPAP) established by the Government with a view to reducing poverty. The Committee urges the State party to continue to direct resources to those most in need, and to report to the Committee on the results of its efforts in the context of the programmes cited above in its fourth periodic report. In this regard, the Committee would like to remind the State party of its obligation, even under severe resource constraints, to protect the vulnerable groups of society, as stated in paragraph 12 of the Committee's General Comment No. 3.

23. The Committee calls on the State party to enforce efficiently in practice labour legislation prohibiting discrimination against women in employment, such as prohibition of the dismissal of pregnant women and the criminalization of sexual harassment. The Committee urges the State party to organize public campaigns to raise awareness about domestic violence, to criminalize spousal rape and to provide victims with shelters and adequate remedies.

24. The Committee urges the State party to continue to address, as a matter of urgency, the immediate nutritional needs of its population, including through international humanitarian assistance, and draws, in this regard, the attention of the State party to its General Comment No. 12, paragraph 14.

25. The Committee recommends that the State party continue taking steps to ensure that persons living in remote areas have progressively greater access to essential health services and, in this respect, draws the attention of the State party to its recent General Comment No. 14 on

the right to health. The Committee would appreciate information on a comparative basis, in the fourth periodic report of the State party, on the "Health Sector Development Programme" (1998) supported by the Asian Development Bank, as well as on progress made in improving the health status and health-care coverage of the population.

26. The Committee recommends that the State party seek to address, independently and through international cooperation, the problems it is facing in enhancing the quality of school curricula, and in addressing the educational difficulties confronting Mongolia, such as its high drop-out rate.

27. The Committee requests that the State party disseminate these concluding observations as widely as possible among its citizens.

28. The Committee requests the State party to address, in its fourth periodic report, the implementation of these concluding observations.

29. The Committee requests the State party to submit its fourth periodic report before 30 June 2003.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on Economic, Social and Cultural Rights

Sudan

1. The Committee considered the initial report of the Sudan on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.41) at its 38th to 41st meetings, held on 21 and 22 August 2000, and adopted, at its 53rd meeting, held on 30 August 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of the Sudan, which has been prepared in conformity with the revised reporting guidelines it has established. The Committee appreciates the readiness of the State party to advance the date of the presentation of its initial report, from November 2000 to August 2000, indicative of the State party's willingness to cooperate with the Committee.

3. The Committee also welcomes the written replies to its list of issues (E/C.12/Q/SUD/1) and the constructive dialogue between the high-level delegation of the Sudan and the Committee members.

4. The Committee regrets, however, that some of the written and oral information given by the State party was at times unsatisfactory.

B. Positive aspects

5. The Committee has taken due note of the expressed commitment of the State party to respect and promote human rights and the rule of law, and its expressed commitment to a process of democratization, with a view to establishing a representative and accountable government, reflecting the aspirations of the people of the Sudan, a point welcomed by the Commission on Human Rights in paragraph 1 (h) of its resolution 2000/27.

6. The Committee notes with interest that since the fact-finding mission by the Special Rapporteur of the Commission on Human Rights on the promotion and protection of the freedom of opinion and expression in 1999 pursuant to the invitation of the State party, there has been a broader degree of freedom of expression, press and assembly, as acknowledged by competent human rights sources, also facilitating the realization of economic, social and cultural rights under the Covenant.

7. The Committee also appreciates the willingness of the State party to cooperate with the Office of the United Nations High Commissioner for Human Rights (OHCHR), for example by facilitating a needs assessment mission in September 1999, and to explore further the ways in which more concrete cooperation between the Office and the State party may take form, such as the establishment of an OHCHR presence in the country.

8. The Committee notes with satisfaction the proclamation of the Constitution of the Sudan, providing for basic human rights and freedoms, which entered into force on 1 July 1998, as well as the establishment of the Constitutional Court in April 1999 and the creation of the Committee for the Eradication of Abduction of Women in May 1999 with cooperation between the State party and the international community and non-governmental organizations.

9. The Committee welcomes the Peace Agreement of 1997 for the Sudan, particularly since progress towards a peaceful settlement of the conflict in southern Sudan will greatly contribute to the creation of a better environment for the respect for human rights in the Sudan.

10. The Committee also welcomes the establishment of the Sudan National Committee for the Eradication of Harmful Practices, as well as the State party's various measures to improve the status of women, to alleviate or remove some of the obstacles to their freedom to travel, the Government's active campaign against female genital mutilation and against early marriage, the encouragement of child spacing, safe motherhood, women's and children's rights and reproductive health, and measures to increase the number of women working in government service.

11. The Committee takes note of the statement by the delegation to the effect that the revenues derived from oil exploration and exportation in southern Sudan will be used for financing social development programmes.

12. The Committee welcomes the State party's efforts in the field of education, in particular the establishment of 16 new universities, located in each department of the country, and the increased enrolment of women at all levels of education.

13. The Committee also acknowledges with appreciation the general unconditional amnesty granted by the President in June 2000 to all government opponents, inside and outside the Sudan.

C. Factors and difficulties impeding the implementation of the Covenant

14. The Committee regrets that, despite the 1997 Peace Agreement, the continuation of the war in southern Sudan is still adversely affecting the achievement of conditions conducive to the enjoyment of economic, social and cultural rights in the whole of the Sudan.

15. The Committee also notes with regret that the current economic and financial difficulties of the State party, particularly the problem of foreign debt, make it more difficult to start the much-needed process of moving towards modernization, democratization and the realization of human rights for all. The Committee has noted that the foreign debt alone amounted to over 22 billion United States dollars in 1998 and that, as a Least Developed Country (LDC), the State party has insufficient resources to meet its debt servicing obligations.

16. The factors impeding the realization of economic, social and cultural rights include the great size of the country, the lack of infrastructure, such as a road network, hospitals and schools, the civil war in the south, and the economic difficulties mentioned earlier, all of which have exacerbated the difficulties preventing the State party from adequately addressing the problem of widespread poverty.

D. Principal subjects of concern

17. The Committee notes with concern that there is a lack of clarity as to the legal status of the Covenant in the Sudanese domestic legal order, despite the incorporation in the Constitution of some provisions concerning economic, social and cultural rights, given the fact that there are a number of laws which are applicable to the different components of Sudanese society, such as the Islamic, Christian and other segments of society.

18. The Committee also notes with concern the apparent lack of clarity as to the precise status of Islamic shariah, its applicability, and the confusion it may lead to in cases where there may be a contradiction or discord between the narrow interpretation of the tenets of Islamic shariah and the provisions of statutory law.

19. Despite the Constitutional provisions proclaiming the independence of the judiciary, the Committee is concerned that the judiciary still lacks the necessary degree of independence to guarantee the implementation and protection of economic, social and cultural rights.

20. The Committee expresses its deep concern over the considerable divergence in the Sudan between the Constitutional provisions guaranteeing rights and freedoms, on the one hand, and some of the legal provisions, as well as traditional customs and practice, on the other hand. A flagrant example is the societal and legal status of women in general, the low degree of women's participation in public life and the provisions in criminal and family law regarding equality in marital relations.

21. The Committee regrets the lack of precise information and reliable comparable statistics, which has hampered its full assessment of the progressive implementation of the Covenant in the Sudan.

22. The Committee is concerned about the continuing occurrence of abductions of women and children on a large scale by different tribes.

23. Furthermore, the Committee is concerned about the fact that some restrictions on the freedoms of religion, expression and association and peaceful assembly still exist, thereby hampering the enjoyment of economic, social and cultural rights by many Sudanese.

24. The Committee is also gravely concerned about the occurrence of flagellation or lashing of women for wearing allegedly indecent dress or for being out in the street after dusk, on the basis of the Public Order Act of 1996, which has seriously limited the freedom of movement and of expression of women.

25. The Committee is concerned at the bombardment of villages and camps of the civilian population, in the war zones in southern Sudan, including the bombing of schools and hospitals. In addition, the Committee expresses its concern about the reported resort to the weapon of deprivation of food and the creation of a man-made famine as an instrument of war, coupled with the diversion of humanitarian food aid supplies from groups of the population in need.

26. The Committee is also gravely concerned about the considerable number of internally displaced persons, many of whom are women and abandoned children, who have migrated from the war zones in the south to the north, where they live in abject poverty and without adequate shelter or employment.

27. The Committee expresses its concern regarding the persisting problem of malaria, often a cause of death in the State party, as well as the increasing incidence of HIV/AIDS. A lack of medicines at affordable prices compounds these difficulties.

28. The Committee expresses its concern that the high illiteracy rate, especially among rural women, deprives the State party of the much needed economic and social contribution that Sudanese women could and should make to their society, especially if and when the State party finds its way to eliminating all aspects of discrimination against women in the Sudan.

E. Suggestions and recommendations

29. The Committee recommends that the State party provide more detailed information on the status of the Covenant in the Sudanese domestic legal order in its second periodic report, as well as on the direct applicability of the Covenant in the courts of law.

30. The Committee also recommends that the constitutional guarantee of the independence of the judiciary be fully implemented in practice, and that the State party should safeguard the conditions that contribute to the real independence of judges.

31. In the light of the recent establishment of committees addressing specific human rights issues, the Committee encourages the State party to establish an independent national human rights institution, in accordance with the 1991 Paris Principles.

32. The Committee also urges the State party to take adequate measures to enhance awareness of human rights at all levels of Sudanese society, including government officials, the judiciary, the military, and the security and police forces. The Committee recommends that the State party address this issue in the context of the current cooperation with the Office of the High Commissioner for Human Rights.

33. The Committee requests the State party to provide information on the factual situation concerning abductions in the conflict areas of the country, particularly of women and children, leading to slavery or forced labour. Moreover, the Committee encourages the Committee for the Eradication of Abduction of Women and Children (CEAWC) to continue its work, and to move towards the identification of solutions to the problem with a view to their implementation.

34. The Committee strongly recommends that the State party reconsider existing legislation, particularly the 1996 Public Order Act, in order to eliminate discrimination against women, thereby ensuring their full enjoyment of human rights in general and economic, social and cultural rights in particular.

35. The Committee requests that the State party provide statistical data and precise information concerning the situation of poverty and the status of unemployment in the Sudan.

36. The Committee requests the State party to provide more detailed information on the status of trade unions and their activities.

37. The Committee urges the State party to address the root causes of the problem of internally displaced persons and in the short and medium term, to cooperate fully with international and non-governmental organizations in the field, in order to provide for adequate (interim) measures ensuring the basic needs of this group, such as adequate basic shelter, employment, food and health care, and the continuation of education for the children.

38. It is recommended that the State party develop specific measures to eliminate ingrained harmful traditions, customs and prejudices against women, such as female genital mutilation, the limitation of their freedom of movement and expression, and any obstacles that hinder women's full participation in society.

39. The Committee recommends that the State party monitor and evaluate the implementation of relevant legislation relating to human rights. In its subsequent reports the State party is requested to include information on: mechanisms for the receipt of complaints of alleged violations of economic, social and cultural rights; the conduct of investigations and prosecutions; and statistics on subsequent decisions, and their execution.

40. The Committee urges the State party to devote adequate attention to identifying its most urgent problems and concerns about economic, social and cultural rights under the Covenant and to formulate these priorities in a comprehensive plan of action for human rights, in which the possible measures to be taken are categorized according to feasibility of realization in terms of time and resources. The State party is encouraged to request the assistance of the Office of the High Commissioner for Human Rights in this regard.

41. Finally, the Committee requests the State party to ensure the wide dissemination in Sudan of its present concluding observations and to inform the Committee of steps taken to implement those recommendations in its second periodic report, to be submitted on 30 June 2003.

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COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

Kyrgyzstan

1. The Committee on Economic, Social and Cultural Rights considered the initial report of Kyrgyzstan on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1990/5/Add.42) at its 42nd, 43rd and 44th meetings, held on 23 and 24 August 2000, and adopted, at its 51st meeting, held on 29 August 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the initial report of Kyrgyzstan, which has been prepared in general in conformity with the revised reporting guidelines established by the Committee. While commending the efforts made by the delegation from the Permanent Mission of Kyrgyzstan in Geneva in answering the questions put to it, the Committee regrets the absence of an expert delegation from the capital, a matter which greatly reduced the constructiveness of the dialogue.

B. Positive aspects

3. The Committee acknowledges the efforts made by the State party to improve the macroeconomic conditions for the implementation of the rights enshrined in the Covenant, such as integration into the international economic system, the formulation of stabilization measures for 1999-2000, the 80 per cent completion of structural reforms and success in cutting back inflation. The Committee notes that there are good prospects for growth of GDP in 2000.

4. The Committee notes with appreciation the information provided by the United Nations Development Programme (UNDP), and reiterated by the delegation, that courts in Kyrgyzstan are pursuing violations of economic and social rights.

5. The Committee notes the establishment of the Presidential Commission on Human Rights and the Parliamentary Committee on Human Rights.

6. The Committee notes with appreciation the steps taken by the State party, with the assistance of the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNDP and the Organization for Security and Co-operation in Europe (OSCE), to establish an independent national human rights institution (Ombudsman's office).

7. The Committee welcomes the initiatives taken by the State party to combat poverty, including "Araket", the National Programme on Overcoming Poverty (1998-2005), and the related government programmes to address problems of employment, older persons, women, health and education, as well as the establishment of the National Poverty Alleviation Commission in 1998. The Committee also notes with appreciation the monitoring of the situation of poor families and the compilation of "maps of poverty".

8. The Committee welcomes "Ayalzat" (1996-2000), the national programme for the support of women, designed to enhance the role of women in society and to improve their economic and social situation.

9. The Committee also welcomes the "Education for all" programme, which benefits more than one third of the population.

C. Factors and difficulties impeding the implementation of the Covenant

10. The Committee is aware that the State party is currently confronted with the difficulties commonly encountered by the countries in transition and that this process is exacerbated by the Kyrgyz economy's high level of dependence on the external economic environment, and by the diverting of resources to service the country's sizeable foreign debt.

11. The Committee also acknowledges that the ongoing armed conflict in the south of the country is a serious impediment to the implementation of economic, social and cultural rights in Kyrgyzstan.

D. Principal subjects of concern

12. The Committee is concerned that the independence of the judiciary may be impaired in cases where the designation of high court judges is effected without full participation of the legislature. The Committee is particularly concerned to learn about cases of criminal prosecution of human rights activists, and the dissolution of the Kyrgyz Committee for Human Rights, which now operates in exile.

13. The Committee notes with concern that, according to information at the disposal of the Committee, the "tribunals of eminent persons" convened informally to discuss issues of law and order in local communities often take upon themselves the functions of the judiciary, including recommendations on the death penalty.

14. The Committee notes with concern the recent estimates of unemployment reaching 26 per cent in Kyrgyzstan. The Committee regrets that despite the efforts of the Government to raise the statutory minimum wage to match the minimum consumer budget, the minimum wage does not provide a decent standard of living to the worker and his/her dependants. Furthermore, the Committee notes with regret that the Government is in arrears in payments of pensions and of civil servants' salaries.

15. The Committee regrets the extensive limitations on the right to strike at present in force in Kyrgyzstan. The Committee is disturbed to learn that some employers are hampering the activities of trade unions and that trade union rights in general are not protected by law as vigorously as they should be.

16. The Committee is disturbed about the reassertion of traditional attitudes towards women in Kyrgyz society. The Committee notes with concern that although polygamy is illegal, it is nonetheless practised in some regions. The Committee also notes with deep concern the re-emergence of the old tradition of bride kidnapping.

17. The Committee regrets the absence of information on the extent of violence against women and the trafficking of women in Kyrgyzstan. The Committee is also concerned at the classification of lesbianism as a sexual offence in the Penal Code.

18. The Committee notes with alarm the repressive measures taken against female journalists for their protest against inequality between men and women in Kyrgyz society. The Committee also notes with concern that the unemployment rate among women is high, and that women predominantly work in spheres characterized by low wages.

19. The Committee is deeply concerned about the high rate of poverty, estimated to affect more than 50 per cent of the population. The most affected areas are the remote southern rural areas, where persons over the age of 60, women and children, especially, suffer from poverty. In particular, the Committee is concerned about malnutrition, which mostly affects infants (19.7 per cent), children and adolescents.

20. The Committee notes the decrease in the resources available to the Government to fund social insurance, due to the need to reduce the national budget deficit.

21. The Committee is concerned that the right to adequate housing is hampered in Kyrgyzstan by the decrease in housing construction, the lack of living space for rural migrants arriving in cities, and the insufficient provision of sanitation and potable water.

22. The Committee notes with concern that, although the general state of health of the population is satisfactory, new health threats such as increasing alcoholism and drug abuse, the

growing incidence of sexually transmitted diseases and the re-emergence of communicable and vaccine-preventable diseases such as tuberculosis, and above all the decreasing resources allocated to the health sector demand the State party's urgent response.

23. As regards education, the Committee is concerned about the phenomenon of children dropping out of school to provide for their families. The situation of girls is particularly alarming, as their access to education is being curtailed by a revival of the tradition of early marriage, and a decrease in the prestige of having a formal education.

E. Suggestions and recommendations

24. The State party is urged to continue more actively the pursuit of perpetrators of human rights violations.

25. The Committee encourages the State party to establish, as soon as possible, a national human rights institution in conformity with the Paris Principles (1991).

26. The Committee also encourages the State party to elaborate and implement a national plan of action for human rights in accordance with the 1993 Vienna Declaration and Plan of Action.

27. The Committee would appreciate information, in the second periodic report of the State party, on the application of labour standards in the Free Economic Zones used as export processing areas.

28. The Committee encourages the State party to review the limitations in the Labour Code on the right to strike with a view to bringing them into conformity with the Covenant. The State party is also urged to apply all legal means to put an end to the interference of employers with the freedom of trade union activity by discouraging workers from forming trade unions.

29. The Committee would appreciate information, in the State party's second periodic report, on the progress made in the implementation of "Araket", the National Poverty Alleviation Programme, and related governmental programmes. The Committee urges the State party to continue to seek international financial and technical assistance, as provided for in articles 2.1 and 23 of the Covenant, in its efforts to improve the enjoyment of economic, social and cultural rights in Kyrgyzstan, and to continue to direct resources to those most in need. The Committee also feels strongly that Kyrgyzstan should assess the impact of its economic reforms on the well-being of the population. In this regard, the Committee would like to remind the State party of its obligation, even under severe resource constraints, to protect the vulnerable groups of society, as stated in paragraph 12 of the Committee's General Comment No. 3.

30. The Committee requests the State party to provide information, in its second periodic report, on the extent of violence against women and the measures taken by the Government to address this phenomenon, including facilities and remedies provided for victims. The Committee further recommends that the State party continue more actively to implement the law with regard to the practice of polygamy and bride kidnapping. The Committee recommends that

the State party proceed to remove lesbianism from the Penal Code, as indicated by the delegation. The Government is advised to step up its efforts to promote the rights of women in employment.

31. The Committee requests the State party to discuss, in its second periodic report, the results of the future International Labour Office (ILO) study on child labour in Kyrgyzstan and to report to the Committee on the status of ratification of ILO Convention No. 182, as well as the practical measures taken by the State party to address the problem of child labour.

32. The Committee recommends that the right to housing be ensured to all and that problems of the lack of housing be solved in the most expedient manner possible. In this regard, the Committee wishes to draw the attention of the State party to its General Comment No. 4 on the right to adequate housing. The Committee also requests the State party to provide, in its second periodic report, information on the extent of homelessness in Kyrgyzstan.

33. The Committee urges the State party to continue its efforts to address the prevailing health threats, and to target progressively resources to health services. The Committee requests the State party, in its second periodic report, to provide information on how the recently adopted health laws and policies are implemented. The Committee would also appreciate statistics on the progress made by the Government in its efforts to fulfil the right to health for its population by providing comparative statistics with reference to the information given in its initial report.

34. The Committee calls upon the State party to take special care to ensure the right to education, in particular of the girl child. The Committee also requests the State party to provide information, in its second periodic report, on the extent of the phenomenon of school dropout and abandoned children, including measures taken to address the problem.

35. The Committee requests that the State party disseminate these concluding observations as widely as possible among its citizens.

36. The Committee requests the State party to address, in its second periodic report, the implementation of these concluding observations.

37. The Committee requests the State party to submit its second periodic report before 30 June 2005.

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COMMITTEE ON ECONOMIC, SOCIAL
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CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLES 16 AND 17 OF THE COVENANT

Concluding observations of the Committee on
Economic, Social and Cultural Rights

Australia

1. The Committee on Economic, Social and Cultural Rights considered the third periodic report of Australia on the implementation of the International Covenant on Economic, Social and Cultural Rights (E/1994/104/Add.21) at its 45th, 46th and 47th meetings, held on 24 and 25 August 2000, and adopted, at its 55th meeting, held on 31 August 2000, the following concluding observations.

A. Introduction

2. The Committee welcomes the submission of the third periodic report of Australia, which has been prepared in conformity with the revised reporting guidelines established by the Committee. The Committee expresses its appreciation for the readiness of the State party to advance the date of the presentation of its third periodic report, which is indicative of the State party's willingness to cooperate with the Committee.

3. **The Committee welcomes** the constructive dialogue which took place between the **delegation of the State party** and Committee members. The Committee regrets, however, that, **owing to the unexpected** advance of the consideration of the State party's report, the written replies to its list of issues were not available to Committee members before the dialogue. The Committee also regrets that a number of questions were not answered to its satisfaction.

B. Positive aspects

4. The Committee acknowledges that, in general, the majority of Australians have a high standard of living and that the State party is continuing efforts to maintain this high standard of living in the country. This is supported by the fact that Australia is ranked fourth on the UNDP Human Development Index for the year 2000.

5. The Committee notes the introduction by the State party of policies for streamlining business regulation and the delivery of government services, in particular the implementation, beginning in July 2000, of the Goods and Services Tax, aimed at the reduction of income tax for the majority of working Australians.

6. The Committee commends the State party's contribution to resolving the recent Asian financial crisis.

7. The Committee notes with appreciation the State party's leadership role in maintaining peace and stability in the region, inter alia by providing economic and humanitarian assistance, particularly in East Timor.

8. The Committee notes that, in August 1999, the Parliament passed a motion expressing commitment to reconciliation with the indigenous populations of Australia as an important national priority, and a "deep and sincere regret" for past policies that have negatively affected them. The Committee also notes that, in May 2000, the Council for Aboriginal Reconciliation presented to the Australian people its final proposals for a Document of Reconciliation towards the development of measures to improve the position of the indigenous populations of Australia.

9. The Committee notes that the State party has allocated 2.3 billion Australian dollars for giving priority to indigenous programmes.

10. The Committee welcomes the partnership between the State party and indigenous communities in initiatives aimed at providing greater access for indigenous peoples to culturally appropriate health services and allocating significant resources for the improvement of indigenous health in general.

11. The Committee notes that, despite the persistence of disparities between men and women in the field of employment, there has been an increase in the percentage of women employed at higher levels.

12. The Committee welcomes the various programmes established by the State party to address domestic violence, among them "Partnerships against Domestic Violence", the "Rural and Remote Domestic Violence Initiative", the "Gender and Violence Project" and "Crisis Payment".

C. Factors and difficulties impeding the implementation of the Covenant

13. In spite of existing guarantees pertaining to economic, social and cultural rights in the State party's domestic legislation, the Covenant continues to have no legal status at the federal and state level, thereby impeding the full recognition and applicability of its provisions.

D. Principal subjects of concern

14. The Committee regrets that, because the Covenant has not been entrenched as law in the domestic legal order, its provisions cannot be invoked before a court of law.

15. The Committee expresses its deep concern that, despite the efforts and achievements of the State party, the indigenous populations of Australia continue to be at a comparative disadvantage in the enjoyment of economic, social and cultural rights, particularly in the field of employment, housing, health and education.

16. The Committee notes with regret that the amendments to the 1993 Native Title Act have affected the reconciliation process between the State party and the indigenous populations, who view these amendments as regressive.

17. The Committee notes with concern that the Workplace Relations Act of 1996 favours individual negotiation with employers over collective bargaining, thereby reducing the role of the Australian Industrial Relations Commission. The Committee is also concerned about the restrictions resulting from the Act with regard to the protection of wages, job security and temporary employment.

18. The Committee notes with concern that homeworkers, who are predominantly women, do not enjoy any form of social protection and are paid substantially lower wages than the minimum wage, which compels them to work excessively long hours in order to earn enough to ensure the daily subsistence of their families.

19. The Committee notes with concern that paid maternity leave is not provided for in law or in collective labour conventions, and that the State party has not ratified ILO Convention No. 103 concerning maternity protection.

20. The Committee regrets that the absence of an officially set poverty line in Australia has deprived the Committee of the criteria it needs to determine the progress achieved over time by the State party in its efforts to reduce poverty.

21. The Committee is concerned that the current Residential Tenancies Act 1987 (in New South Wales) does not provide adequate security of tenure and protection against eviction and arbitrary rent increases, and that, consequently, rents in Sydney have increased substantially and forced evictions are reported to have taken place, especially in connection with the forthcoming Olympic Games.

22. The Committee expresses its deep concern that, despite the guarantees of coverage for all under the Medicare system, the problem of long waiting periods for medical services in hospitals, and in particular for surgery, has not been sufficiently addressed.

23. The Committee notes with concern that no steps have been taken to respond to its 1993 recommendation to strengthen human rights education in formal and non-formal curricula. Furthermore, while the State party has given information relating to the funding of private and public schools, it has not provided sufficient information on the difference in quality of schooling available to students in public and private schools.

E. Suggestions and recommendations

24. The Committee strongly recommends that the State party incorporate the Covenant in its legislation, in order to ensure the applicability of the provisions of the Covenant in the domestic courts. The Committee urges the State party to ensure that no conflicts occur between Commonwealth and state law in this respect. The Committee encourages the State party to follow the High Court's position concerning "legitimate expectations" arising from the ratification of the Covenant.

25. The Committee encourages the State party to pursue its efforts in the process of reconciliation with Australia's indigenous peoples and its efforts to improve the disadvantaged situation they are in.

26. The Committee recommends that the State party ensure that the legislative provisions concerning job security are strengthened and effectively implemented, especially for the most vulnerable groups, such as fixed-term contract workers, temporary workers and casual workers.

27. The Committee strongly recommends that the State party undertake measures to protect homeworkers and to ensure that they receive the official minimum wage, that they benefit from adequate social security and that they enjoy working conditions in conformity with the legislation.

28. The Committee recommends that the State party consider enacting legislation on paid maternity leave and ratifying ILO Convention No. 103 concerning maternity protection.

29. The Committee recommends that the State party limit its prohibitions on the right to strike to essential services, in accordance with ILO Convention No. 87, and, in the context of the civil service, to civil servants who exercise functions of State authority.

30. The Committee recommends that the State party ensure that labour in private prisons is voluntarily undertaken and is properly remunerated.

31. The Committee requests that the State party provide detailed information on the work for dole scheme in its fourth periodic report.

32. The Committee calls upon the State party to ensure that the two-year waiting period for the receipt of social security assistance by new immigrants does not infringe upon their right to an adequate standard of living.

33. The Committee strongly urges the State party to establish an official poverty line, so that a credible assessment can be made of the extent of poverty in Australia. The Committee requests further that the State party provide information on this issue in its fourth periodic report.

34. The Committee strongly recommends that the State party, at the federal level, develop a housing strategy in keeping with the Committee's General Comments No. 4 and 7, including provisions to protect tenants from forced eviction without reasons and from arbitrary rent increases. In addition, the Committee recommends that the State party ensure that all state and territory governments establish appropriate housing policies in accordance with this strategy.

35. The Committee calls upon the State party to take effective steps to ensure that human rights education is included in primary and secondary school curricula and requests the State party to inform the Committee of the measures taken in this regard in its fourth periodic report.

36. The Committee requests the State party to provide additional, more detailed information, including statistical data which is disaggregated according to age, sex and minority groups, concerning the right to work, just and favourable conditions of work, social security, housing, health and education, in its fourth periodic report.

37. Finally, the Committee requests the State party to ensure the wide dissemination in Australia of the present concluding observations and to inform the Committee of measures taken to implement the recommendations contained herein in its fourth periodic report, to be submitted by 30 June 2005.